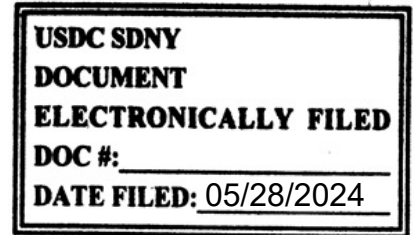


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May 24, 2024

**Via ECF**

The Honorable Robert W. Lehrburger, U.S.M.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Ademi v. Central Park Boathouse, LLC et al*  
Case No.: 22-cv-08535

Dear Judge Lehrburger:

We are counsel to Plaintiff in the above captioned matter. We write to inform the Court of a discovery dispute, pursuant to Your Honor's Individual Rule Section II.D. The Parties met and conferred in person on May 15, 2024 regarding deposition dates.

On March 15, 2024, the Parties agreed that Individual Defendant and 30(b)(6) witness Dean Poll's deposition will be taken on May 28, 2024. On May 20, 2024, Defendants informed Plaintiff that Mr. Poll may be otherwise engaged, and have since failed to confirm availability or suggest different dates for the deposition.

Separately, on May 16, 2024, Plaintiff filed a letter motion seeking leave to file a Motion for Partial Summary Judgment and requesting the court's early resolution of a legal issue regarding the miscalculation of the tip credit deducted from Plaintiff and Class Members' overtime rate. On May 23, 2024, Defendants informed Plaintiff that they refuse to proceed with depositions until Judge McMahon rules on Plaintiff's application seeking a briefing schedule for the Motion for Partial Summary Judgment.

While Plaintiff is not averse to delaying depositions, because discovery is not on hold, Plaintiff does not believe it is authorized to delay depositions which have been scheduled. Even if Judge McMahon grants leave to file the Motion for Partial Summary Judgment. My understanding is the parties would still need to proceed with discovery.

Therefore, Plaintiff respectfully request the Court compel Defendants to appear for deposition dates on May 28, 2024, which had previously been set.

Respectfully submitted,

/s/ C.K. Lee  
C.K. Lee, Esq.

cc: all parties via ECF

Request denied as moot inasmuch as the motion sought to compel appearance for a deposition today, May 28, 2024. Filing of the letter motion on Friday May 24, 2024, did not provide Defendants with an opportunity to respond until today, which they have done (Dkt. 66). As a result, regardless of how the Court would rule on the motion, the relief requested cannot be granted.

SO ORDERED:

05/28/2024



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HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE